

Remarks

The above listing of claims indicates the amendments made relative to the claims filed November 22, 2006 and are inclusive of the amendments first filed July 2, 2007. Claims 1-64, 125 and 128 have been canceled, claims 65-124, 126, 127, 130-133 and 135-139 are pending in the application. Applicant reserves the right to pursue the subject matter of the original claims in continuing applications.

Applicant thanks the Examiner for the courtesy of the phone interview of July 18, 2007. During the interview the Examiner expressed two concerns with claim 85. As applicant understands, the first concern was that it may be unclear whether the term "3 times the relative mass" which is used in describing the term substantially equal in the specification, refers to the total mass of the nucleic acids of each fragment size or to the size of the fragments. As amended herein, claim 85 recites "a plurality of nucleic acid fragments having a size in base pairs, wherein the relative mass of the nucleic acid fragments of each size, measured in base pairs, is substantially equal..." Applicant believes that the amended claim language makes it clear that the "3 times" limitation is in reference to the relative mass of each fragment size and not the size of the fragments.

As applicant understands, the second concern of the Examiner was that it may be unclear how the mass of a detectable label is to be accounted for in the relative mass of a given fragment size. As amended herein claim 85 recites "the relative mass of the nucleic acid fragments of each size, measured in base pairs..." When using base pairs as a unit of mass, it is irrelevant to the mass of a nucleic acid whether or not a detectable label has become bound to or otherwise associated with the nucleic acid.

Applicant believes that the amendments presented herein address the concerns the Examiner expressed in the phone interview of July 18, 2007 and request that they be entered in the record.

Conclusion

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner

believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

/Peter G. Foiles/

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